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Paper No. 27

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AUG 6 2001

OFFICE OF PETITIONS
DECISION ON PETITION
REPATENTS

In re Application of
Brockhoff
Application No. 08/938,173
Filed: September 26, 1997
Attorney Docket No: P61957

This is a decision on the renewed petition under 37 CFR §1.137(b), filed July 9, 2001, to revive the above-identified application.

This above-identified application became abandoned for failure to timely file a proper response to a final Office Action which was mailed on March 22, 2000. The final Office Action set a three (3) month shortened statutory period for reply. Petitioner submitted an amendment and a three month request for extension of time on September 25, 2000 with a mail date of September 20, 2000. An Advisory Action mailed October 11, 2000 informed Petitioner the amendment did not place the application in condition for allowance and as such would not be entered. Accordingly, this application became abandoned on September 22, 2000. A Notice of Abandonment was mailed on December 5, 2000. A petition filed on January 29, 2001 under 37 CFR §1.137(b) was dismissed on May 31, 2001.

The statement of unintentional delay presented in the petition does not comply with the current rule. Pursuant to 37 CFR §1.137(b)(3) a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional" is required. However, the statement presented will be accepted and construed as the statement required by 37 CFR §1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The petition is hereby **Granted**.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition. However, the Office will mail all future correspondence solely to the address of record.

The Office acknowledges the receipt of the Request for Continued Examination (RCE) submitted with the instant renewed petition.

This application is being forwarded to Technology Center 1700 for further processing.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.

K. McLaughlin
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